

Message Text

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ACTION EB-07

INFO OCT-01 EA-07 IO-13 ISO-00 CIAE-00 DODE-00 NSAE-00
NSCE-00 SSO-00 USIE-00 INRE-00 AGRE-00 CEA-01
COME-00 FRB-03 H-01 INR-07 INT-05 L-03 LAB-04
NSC-05 PA-01 EPG-02 AID-05 SS-15 STR-04 ITC-01
TRSE-00 PRS-01 SP-02 FEAE-00 OMB-01 XMB-02 OPIC-03
/094 W

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 9320

INFO AMEMBASSY TOKYO

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E.O. 11652: N/A

TAGS: ETRD, GATT, JA

SUBJECT: GATT COUNCIL -- THROWN SILK

REF: A. LAVOREL-SPIRO TELECON B. GENEVA 5588 C. STATE 157927

1. IN DISCUSSION WITH JAPANESE DEL (UKAWA) CONCERNING GATT COUNCIL DISCUSSION OF U.S. COMPLAINT ON THROWN SILK, UKAWA INDICATED HE HAD RECEIVED NO REACTION FROM TOKYO TO U.S. PLACING ITEM ON COUNCIL AGENDA AND DID NOT EXPECT ONE UNTIL LATER THIS WEEK. HE STRESSED IMPACT THAT SILK INDUSTRY HAS ON JAPANESE POLITICAL SCENE AND FEARED THAT TOKYO MIGHT SEIZE ON PROCEDURAL IRREGULARITIES TO STALL GATT ACTION ON THROWN SILK. THIS IS WHY HE EARLIER (REF B) SOUGHT INDICATION FROM U.S. THAT WE HAD CONSULTED UNDER RELEVANT GATT ARTICLES BEFORE INVOKING ART XXIII:2. HE ALSO ALLUDED TO THROWN SILK PROBLEMS WITH ITALY AND SAID IT APPEARED THAT THE ITALIANS HAD TAKEN SOME ACTION THAT WAS IRREGULAR AND MIGHT BE QUESTIONABLE UNDER GATT (HE DECLINED TO BE MORE SPECIFIC).

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2. WITH RESPECT TO LIKELY GATT ACTION, HE THOUGHT THAT U.S. AND JAPANESE DISSENTING VIEWPOINTS WOULD FORCE THE FORMATION OF A WORKING PARTY. WE STRESSED THE NEED FOR RAPID ACTION AND ASKED IF HE THOUGHT TOKYO WOULD AGREE TO THE FORMATION OF A GATT PANEL ON AN EXPEDITED BASIS. HE REPLIED HE WOULD QUERY TOKYO AND RESPOND BY JULY 22.

FURTHER QUESTIONING INDICATED THAT A THREE-MEMBER PANEL WOULD BE EASIER TO FORM AND THAT THE JAPANESE, IF AGREEABLE, WOULD NOT WANT ANY SILK EXPORTING NATION REPRESENTED ON THE PANEL. UKAWA ALSO POINTED OUT THAT, AS OTHER THROWN SILK EXPORTERS SUCH AS ITALY HAS SIMILAR PROBLEMS, OTHER INTERESTED PARTIES MIGHT PREFER A WORKING PARTY.

3. COMMENT: ON THE ASSUMPTION THAT THE U.S. HAS A STRONG CASE FOR PROVING JAPAN IN VIOLATION OF ITS GATT OBLIGATIONS, MISSION RECOMMENDS THAT WE ATTEMPT TO ESTABLISH A GATT PANEL RATHER THAN A WORKING PARTY, IF THE JAPANESE WILL AGREE. A PANEL HAS THE ADVANTAGE OF RENDERING A CLEARCUT DECISION, AND ITS FOCUS WOULD BE THE U.S. COMPLAINT. A WORKING PARTY IS MORE PRONE TO ARRIVE AT SPLIT CONCLUSIONS SINCE THE JAPANESE ARE NOT LIKELY TO KEEP SILENT AS WE DID IN THE ZENITH WP. MOREOVER, WHILE WE COULD OBTAIN EC AND PERHAPS OTHER SUPPORT IN A WP, THE LARGER NUMBER OF INTERESTED PARTIES PARTICIPATING IN A WP COULD BOTH DIFFUSE THE FOCUS AND LENGTHEN THE PROCEEDINGS. WE RECOMMEND THEREFORE THAT U.S. ATTEMPT TO GAIN JAPANESE AGREEMENT TO FORMATION OF A PANEL AND THE FIXING OF A DATE FOR THE PANEL'S CONSIDERATION OF THE CASE. (THE FIRST WEEK IN SEPTEMBER IS PROBABLY THE EARLIEST DATE WE COULD EXPECT EITHER A WP OR PANEL TO MEET BECAUSE OF THE ABSENCE OF MOST DELEGATIONS IN AUGUST.) IF THE JAPANESE HAVE NOT LIMITED OFFICIAL USE

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AGREED PRIOR TO THE JULY 26 COUNCIL MEETING TO THE ESTABLISHMENT OF A PANEL AND THE DATE FOR ITS CONVENING, U.S. REP SHOULD HAVE FLEXIBILITY TO ACCEPT FORMATION OF A WP. WE SHOULD ALSO SEEK PRIOR AGREEMENT TO TERMS OF REFERENCE FOR EITHER A WP OR PANEL AND WOULD WELCOME WASHINGTON'S SUGGESTIONS. VANDEN HEUVEL

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Message Attributes

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Sent Date: 18-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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Disposition Remarks:
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